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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,336	01/30/2002	Guy Tiphane	9623V-027910	9840

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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/066,336	Applicant(s) TIPHANE, GUY	
	Examiner Allen Wong	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/17/06 with respect to claims 1 and 18 have been read and considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6,567,122) and Kaneko (6,332,139).

Regarding claims 1 and 28, Anderson discloses a web cam system, comprising:
a digital camera for capturing an image of a scene (col.5, ln.47-52),
wherein said digital camera is configured to generate image data (col.5, ln.47-52
and fig.1, note digital camera generates image data),

wherein said digital camera is configured to be connected with a computer (fig.1, element 118), and

wherein said digital camera is configured to provide said image data to said computer (fig.1, note image data of object 112 is obtained and eventually sent to computer 118);

a computer useable medium encoded with computer executable instructions embodied therein for causing the interfacing of said digital camera with said computer

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(fig.1, note computer has computer executable instructions that causes the computer to execute instructions from as directed by the computer readable medium), said computer executable instructions comprising:

an image capturing computer readable program code portion configured to cause said computer to effect the capturing of said image, wherein said image comprises still or video images (col.6, ln.5-19); and

an internet interfacing computer readable program code portion configured to cause said computer to effect the transmittal of said image data, for incorporation of said image data into a web cam page, to a web site hosting said web cam page (col.5, ln.47-55 and col.9, ln.51 to col.10, ln.4); and

wherein the view mode provides live images from the digital camera (col.6, ln.5-19 and fig.6).

Anderson does not specifically disclose the limitation an interlude switch configured to be connected with said digital camera, wherein said interlude switch is configured to be toggled between a view mode and an interlude mode, and wherein said interlude mode provides at least one alternate image from a source other than a live image captured by said digital camera. However, Kaneko teaches the use of the interlude switch configured to be connected with the digital camera (col.27, ln.44-22, Kaneko discloses the user has mode 3, where the user is interrupted for switching to the interlude mode 3), wherein the interlude switch is configured to be toggled between the view mode and the interlude mode (col.27, ln.44-22, Kaneko discloses the user has mode 3, where the user is interrupted for switching or toggling to the interlude mode 3

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from the view mode 1 or 2), and wherein the interlude mode provides at least one alternate image from a source other than a live image captured by the digital camera (col.20, ln.36-39, Kaneko discloses that when the user is not in view mode, the user can view image contents that were previously selected or viewed from the internet's world wide web WWW, thus, alternate non-live image data is viewed). Therefore, it would have been obvious to one of ordinary skill in art to combine the teachings of Anderson and Kaneko, as a whole, for providing a clear, convenient, easy-to-use high quality audio/visual data communication between users (Kaneko col.4, ln.14-17).

Note claims 2-6 and 25-27 have similar corresponding elements.

Regarding claims 7-9, Anderson does not disclose the interlude switch is mounted on a telephone base unit. However, Kaneko teaches the option of placing a call and the option of accepting or declining a call (col.27, ln.44-22, Kaneko discloses the user has mode 3, where the user is interrupted for switching or toggling to the interlude mode 3 from the view mode 1 or 2). Therefore, it would have been obvious to one of ordinary skill in art to combine the teachings of Anderson and Kaneko, as a whole, for providing a clear, convenient, easy-to-use high quality audio/visual data communication between users (Kaneko col.4, ln.14-17).

Regarding claim 10, Anderson discloses the preselected images are one of: still images, slide shows, video images, commercials, or images captured by another web cam system (col.5, ln.47-55).

Regarding claim 11, Anderson discloses preselected images are stored on the computer (col.5, ln.47-55).

Regarding claim 12, Anderson discloses the preselected images are stored at a remote site (col.5, ln.47-55).

Regarding claim 18, Anderson discloses a method of operating a web cam, comprising:

capturing images of a scene using a digital camera, and updating a web cam page in view mode (col.5, ln.47-52; note images are captured in a continuous manner to update the web cam page);

generating image data from said images (col.5, ln.47-52);

providing said image data to a computer (fig.1, note image data of object 112 is obtained and eventually sent to computer 118);

providing a view mode (col.6, ln.5-19 and fig.6);

transmitting said image data from said computer to a web cam page, wherein said view mode provides live images from said digital camera on said web cam page (col.5, ln.47-55 and col.9, ln.51 to col.10, ln.4);

replacing said images with prerecorded images, such that a viewer viewing said web cam page would see prerecorded images in place of captured images (col.5, ln.47-55 and col.9, ln.51 to col.10, ln.4; note images are internally stored and can be accessed by the viewer's request to see the prerecorded image data in place of the captured image data ascertained from the continuous updating of image data).

Anderson does not specifically disclose the limitation an interlude switch configured to be connected with said digital camera, wherein said interlude switch is configured to be toggled between a view mode and an interlude mode, and wherein

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said interlude mode provides at least one alternate image from a source other than a live image captured by said digital camera. However, Kaneko teaches the use of the interlude switch configured to be connected with the digital camera (col.27, ln.44-22, Kaneko discloses the user has mode 3, where the user is interrupted for switching to the interlude mode 3), wherein the interlude switch is configured to be toggled between the view mode and the interlude mode (col.27, ln.44-22, Kaneko discloses the user has mode 3, where the user is interrupted for switching or toggling to the interlude mode 3 from the view mode 1 or 2), and wherein the interlude mode provides at least one alternate image from a source other than a live image captured by the digital camera (col.20, ln.36-39, Kaneko discloses that when the user is not in view mode, the user can view image contents that were previously selected or viewed from the internet's world wide web WWW, thus, alternate non-live image data is viewed). Therefore, it would have been obvious to one of ordinary skill in art to combine the teachings of Anderson and Kaneko, as a whole, for providing a clear, convenient, easy-to-use high quality audio/visual data communication between users (Kaneko col.4, ln.14-17).

Note claims 19-24 have similar corresponding elements.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

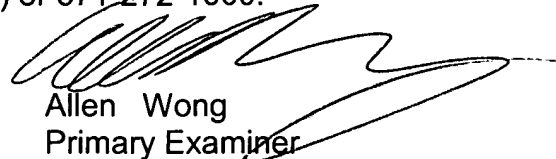
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Allen Wong
Primary Examiner
Art Unit 2621

AW

1/29/07